

**LOCAL GOVERNMENT CODE**  
**CHAPTER 245. ISSUANCE OF LOCAL PERMITS**

**Sec. 245.001. DEFINITIONS.** In this chapter:

(1) "Permit" means a license, certificate, approval, registration, consent, permit, or other form of authorization required by law, rule, regulation, order, or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

(2) "Political subdivision" means a political subdivision of the state, including a county, a school district, or a municipality.

(3) "Project" means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

(4) "Regulatory agency" means the governing body of, or a bureau, department, division, board, commission, or other agency of, a political subdivision acting in its capacity of processing, approving, or issuing a permit.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.

**Sec. 245.002. UNIFORMITY OF REQUIREMENTS.** (a) Each regulatory agency shall consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time the original application for the permit is filed.

(b) If a series of permits is required for a project, the orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time the original application for the first permit in that series is filed shall be the sole basis for consideration of all subsequent permits required for the completion of the project. All permits required for the project are considered to be a single series of permits. Preliminary plans and related subdivision plats, site plans, and all other development permits for land covered by the preliminary plans or subdivision plats are considered collectively to be one series of permits for a project.

(c) After an application for a project is filed, a regulatory agency may not shorten the duration of any permit required for the project.

(d) Notwithstanding any provision of this chapter to the contrary, a permit holder may take advantage of recorded subdivision plat notes, recorded restrictive covenants required by a regulatory

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agency, or a change to the laws, rules, regulations, or ordinances of a regulatory agency that enhance or protect the project, including changes that lengthen the effective life of the permit after the date the application for the permit was made, without forfeiting any rights under this chapter.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.

**Sec. 245.003. APPLICABILITY OF CHAPTER.** This chapter applies only to a project in progress on or commenced after September 1, 1997. For purposes of this chapter a project was in progress on September 1, 1997, if:

(1) before September 1, 1997:

(A) a regulatory agency approved or issued one or more permits for the project; or

(B) an application for a permit for the project was filed with a regulatory agency; and

(2) on or after September 1, 1997, a regulatory agency enacts, enforces, or otherwise imposes:

(A) an order, regulation, ordinance, or rule that in effect retroactively changes the duration of a permit for the project;

(B) a deadline for obtaining a permit required to continue or complete the project that was not enforced or did not apply to the project before September 1, 1997; or

(C) any requirement for the project that was not applicable to or enforced on the project before September 1, 1997.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999.

**Sec. 245.004. EXEMPTIONS.** This chapter does not apply to:

(1) a permit that is at least two years old, is issued for the construction of a building or structure intended for human occupancy or habitation, and is issued under laws, ordinances, procedures, rules, or regulations adopting only:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; or

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(B) local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons;

(2) municipal zoning regulations that do not affect lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by a municipality;

(3) regulations that specifically control only the use of land in a municipality that does not have zoning and that do not affect lot size, lot dimensions, lot coverage, or building size;

(4) regulations for sexually oriented businesses;

(5) municipal or county ordinances, rules, regulations, or other requirements affecting colonias;

(6) fees imposed in conjunction with development permits;

(7) regulations for annexation;

(8) regulations for utility connections;

(9) regulations to prevent imminent destruction of property or injury to persons from flooding that are effective only within a flood plain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy;

(10) construction standards for public works located on public lands or easements; or

(11) regulations to prevent the imminent destruction of property or injury to persons if the regulations do not:

(A) affect lot size, lot dimensions, lot coverage, building size, residential or commercial density, or the timing of a project; or

(B) change development permitted by a restrictive covenant required by a municipality.

Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11, 1999. Amended by Acts 2003, 78th Leg., ch. 646, Sec. 1.

**Sec. 245.005. DORMANT PROJECTS.** Notwithstanding any other provision of this chapter, after the first anniversary of the effective date of this chapter, a regulatory agency may enact an ordinance, rule, or regulation that places an expiration date on a

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1 permit if as of the first anniversary of the effective date of this  
2 chapter: (i) the permit does not have an expiration date; and  
3 (ii) no progress has been made towards completion of the project.  
4 Any ordinance, rule, or regulation enacted pursuant to this section  
5 shall place an expiration date of no earlier than the fifth  
6 anniversary of the effective date of this chapter. Progress  
7 towards completion of the project shall include any one or more of  
8 the following:

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10 (1) an application for a final plat or plan is submitted to a  
11 regulatory agency;

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13 (2) a good-faith attempt is made to file with a regulatory  
14 agency an application for a permit necessary to begin or continue  
15 towards completion of the project;

16  
17 (3) costs have been incurred for developing the project  
18 including, without limitation, costs associated with roadway,  
19 utility, and other infrastructure facilities designed to serve, in  
20 whole or in part, the project (but exclusive of land acquisition)  
21 in the aggregate amount of five percent of the most recent  
22 appraised market value of the real property on which the project is  
23 located;

24  
25 (4) fiscal security is posted with a regulatory agency to  
26 ensure performance of an obligation required by the regulatory  
27 agency; or

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29 (5) utility connection fees or impact fees for the project have  
30 been paid to a regulatory agency.

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32 Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11,  
33 1999.

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36 **Sec. 245.006. ENFORCEMENT OF CHAPTER.** This chapter may be  
37 enforced only through mandamus or declaratory or injunctive relief.

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39 Added by Acts 1999, 76th Leg., ch. 73, Sec. 2, eff. May 11,  
40 1999.

## II. LOCAL ORDINANCES & CODE PROVISIONS

Ordinance No. 81491 (Edwards Aquifer Recharge zone).....	2
* <u>Attachment</u> : Unified Development Code (UDC) Division 6 Aquifer Recharge Zone & Watershed Protection Regulations	
Ordinance No. 86715 (Adds Section 35-1027).....	3
* <u>Attachment</u> : UDC Section 35-1027, Development Permits.	
UDC, Division 2 Vested Rights, Section 35-711.....	4
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* <u>Attachment</u> : Old & New Vested Rights Permit Application	
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